

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

**05 CR 10203 RWZ**

UNITED STATES OF AMERICA	:	<b>COUNTS ONE-TWO:</b> 8 U.S.C.
	:	\$1324(a)(1)(A)(i)(II) - Aiding
v.	:	and Abetting Alien Smuggling
	:	
(1) MARIO VIANA	:	<b>COUNTS THREE-FOUR:</b> 8 U.S.C.
(2) JULIO VIANA	:	\$1324(a)(2)(B)(ii) - Alien
	:	Smuggling For Private
	:	Financial Gain
	:	
	:	<b>COUNT FIVE:</b> 18 U.S.C. §1960 -
	:	Unlicensed Money Remitting
	:	
	:	<b>COUNTS SIX-EIGHTEEN:</b> 31 U.S.C.
	:	§5324(a)(3) - Structuring
	:	Financial Transactions

**INDICTMENT**

The Grand Jury charges:

**COUNT ONE:**  
**8 U.S.C. §1324(a)(1)(A)(i)(ii) - Aiding and Abetting**  
**Alien Smuggling**

Beginning on a date unknown to the Grand Jury and continuing until at least March of 2004, in the District of Massachusetts and elsewhere,

**MARIO VIANA**

the defendant herein, knowing that a person is an alien, aided and abetted bringing to and attempting to bring to the United States in any manner whatsoever, an alien, at a place other than a designated port of entry or place other than as designated by

the Commissioner, regardless of whether such alien received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which might be taken with respect to such alien, which offense was done for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i); Title 8, United States Code, Section 1324(a)(1)(B)(i), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

**COUNT TWO:**  
**8 U.S.C. §1324(a) (1) (A) (i) (ii) - Aiding and Abetting Alien Smuggling**

Beginning on a date unknown to the Grand Jury and continuing until at least May of 2004, in the District of Massachusetts and elsewhere,

**MARIO VIANA**

the defendant herein, knowing that a person is an alien, aided and abetted bringing to and attempting to bring to the United States in any manner whatsoever, an alien, at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which might be taken with respect to such alien, which offense was done for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a) (1) (A) (i); Title 8, United States Code, Section 1324(a) (1) (B) (i), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

**COUNT THREE:**  
**8 U.S.C. §1324(a)(2)(B)(ii) - Alien Smuggling**

Beginning on a date unknown to the Grand Jury and continuing until March of 2004, in the District of Massachusetts and elsewhere,

**MARIO VIANA**

the defendant herein, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter and reside in the United States, brings to and attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien and the offense was for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

The Grand Jury further charges:

**COUNT FOUR:**  
**8 U.S.C. §1324(a)(2)(B)(ii) - Alien Smuggling**

Beginning on a date unknown to the Grand Jury and continuing until May of 2004, in the District of Massachusetts and elsewhere,

**MARIO VIANA**

the defendant herein, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter and reside in the United States, brings to and attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien and the offense was for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

The Grand Jury further charges:

**COUNT FIVE:**  
**18 U.S.C. §1960- Illegal Money Remitting**

Beginning on or about January 6, 2004 and continuing until on or about April 7, 2005, in the District of Massachusetts and elsewhere,

**MARIO VIANA and JULIO VIANA**

the defendants herein, knowingly conducted, controlled, managed, supervised, directed and owned all or part of an unlicensed money transmitting business.

All in violation of Title 18, United States Code, Section 1960 and Title 18, United States Code, Section 2.

The Grand Jury further charges:

**COUNTS SIX- EIGHTEEN:**

**31 U.S.C. §5324(a)(3) - Structuring Financial Transactions**

On or about the dates listed below, in the District of Massachusetts and elsewhere,

**JULIO VIANA**

the defendant herein, for the purpose of evading the reporting requirements of Section 5313(a) and 5325 and any regulation prescribed under any such section, the reporting and recordkeeping requirements imposed by any order issued under Section 5326 and the recordkeeping requirements imposed by any regulation prescribed under Section 21 of the Federal Deposit Insurance Act and Section 123 of Public Law 91-508, did structure and assist in structuring and attempt to structure and assist in structuring the transaction listed below with one or more domestic financial institutions.

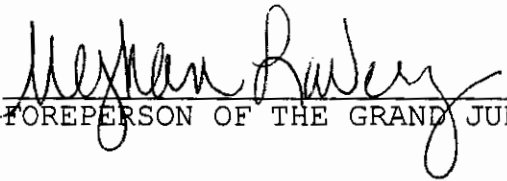
COUNT	DATE	TIME	AMOUNT
SIX	02/03/2004		\$9,000.00
SEVEN	02/04/2004		\$9,000.00
EIGHT	02/05/2004		\$9,000.00
NINE	02/06/2004		\$9,500.00
TEN	02/07/2004		\$9,500.00
ELEVEN	03/24/2004	9:48 AM	\$6,000.00
TWELVE	03/24/2004	12:54 PM	\$5,000.00

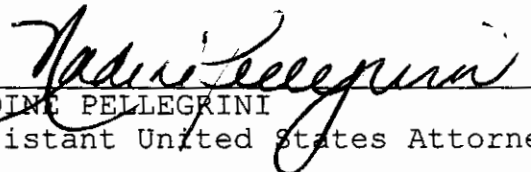
THIRTEEN	07/08/2004	11:22 AM	\$ 8,500.00
FOURTEEN	07/08/2004	12:13 PM	\$10,000.00
FIFTEEN	07/17/2004	11:34 AM	\$ 8,000.00
SIXTEEN	07/17/2004	12:22 PM	\$ 9,000.00
SEVENTEEN	07/21/2004	9:16 AM	\$ 9,500.00
EIGHTEEN	07/21/2004	11:14 AM	\$ 1,500.00

All in violation of Title 31, United States Code, Section 5324(a)(3), 31 CFR §103.22(b)(1) and Title 18, United States Code, Section 2.



A TRUE BILL


  
FOREPERSON OF THE GRAND JURY

  
NADINE PELLEGRINI  
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS

August 10, 2005

Returned into the District Court by the Grand Jurors and filed.

  
Deputy Clerk  
8/10/05  
@ 2:18pm

05 CR 10203 RWZ

JS 45 (5/97) - (Revised USAO MA 6/29/04)

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency ICE/IRSCity Peabody Related Case Information:

County Essex Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
 Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
 Magistrate Judge Case Number 05-1673-CBS  
 Search Warrant Case Number 05-1671-CBS  
 R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Name MARIO VIANA Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1965 SSN (last 4 #): \_\_\_\_\_ Sex M Race: H Nationality: BRAZILIANDefense Counsel if known: Roger Cox Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA N. PELLEGRINI Bar Number if applicable \_\_\_\_\_Interpreter: ☒ Yes ☐ No List language and/or dialect: PortugueseMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: June 28, 2005☒ Already in Federal Custody as \_\_\_\_\_ in Massachusetts☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony \_\_\_\_\_

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 8/10/05Signature of AUSA: N. Pellegrini

**05 CR 10203 RWZ**

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant \_\_\_\_\_

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>8 USC 1324</u>	<u>Alien Smuggling</u>	<u>1-4</u>
Set 2	<u>18 USC 1960</u>	<u>Unlicensed Money Remitter</u>	<u>5</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION:

05 CR 10203 RWZ

JS 45 (5/97) - (Revised USAO MA 6/29/04)

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 Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
 Magistrate Judge Case Number 05-1672-CBS  
 Search Warrant Case Number 05-1671-CBS  
 R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Name JULIO VIANA Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1968 SSN (last 4 #): \_\_\_\_\_ Sex M Race: H Nationality: BRAZILIANDefense Counsel if known: Glenn Randall Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA N. PELLEGRINI Bar Number if applicable \_\_\_\_\_Interpreter: ☒ Yes ☐ No List language and/or dialect: PortugueseMatter to be SEALED: ☐ Yes ☒ No
☐ Warrant Requested ☐ Regular Process ☒ In Custody
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Set 1	<u>18 USC 1960</u>	<u>Unlicensed Money Remitting</u>	<u>5</u>
Set 2	<u>31 USC 5324(a)(3)</u>	<u>Structuring Financial Transactions</u>	<u>6-18</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: